



January 15, 2016

SENATE BILL No. 81

DIGEST OF SB 81 (Updated January 13, 2016 3:01 pm - DI 106)

Citations Affected: IC 33-23; IC 33-38.

Synopsis: Senior judges and judges pro tempore. Allows: (1) a senior judge; or (2) a judge pro tempore; serving in a county that has a probate court, a circuit court, or more than one superior court judge to, with the consent of the judge of the probate court, circuit court, or a superior court in the county, sit as the judge of the consenting judge's court in any matter as if the senior judge or judge pro tempore were the elected judge or appointed judge of the court. Provides that a judge pro tempore may serve as a judge of a court regardless of whether the appointed or elected judge of the court is present and available in the building that contains the court.

Effective: July 1, 2016.

Young R Michael

January 5, 2016, read first time and referred to Committee on Judiciary.
January 14, 2016, amended, reported favorably — Do Pass.

SB 81—LS 6377/DI 69



January 15, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 81

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-23-3-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a)** A senior judge:

3 (1) exercises the jurisdiction granted to the court served by the
4 senior judge;

5 (2) may serve as a domestic relations mediator, subject to the
6 code of judicial conduct;

7 (3) serves at the pleasure of the supreme court; and

8 (4) serves in accordance with rules adopted by the supreme court
9 under IC 33-24-3-7.

10 A senior judge serving as a domestic relations mediator is not entitled
11 to reimbursement or a per diem under section 5 of this chapter. A
12 senior judge serving as a domestic relations mediator may receive
13 compensation from the alternative dispute resolution fund under
14 IC 33-23-6 in accordance with the county domestic relations alternative
15 dispute resolution plan.

16 **(b) A senior judge appointed to serve in a county that has:**

17 **(1) a probate court;**

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1 (2) a circuit court; or
2 (3) more than one (1) superior court judge;
3 may, with the consent of the probate court judge, the circuit court
4 judge, or any judge of a superior court in the county, sit as the
5 judge of the consenting judge's court in any matter as if the senior
6 judge were the elected judge or appointed judge of the court.

7 SECTION 2. IC 33-38-15 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2016]:

10 **Chapter 15. Judges Pro Tempore**

11 **Sec. 1. A judge pro tempore serving in a county that has:**

12 (1) a probate court;
13 (2) a circuit court; or
14 (3) more than one (1) superior court judge;
15 may, with the consent of the probate court judge, the circuit court
16 judge, or any judge of a superior court in the county, sit as the
17 judge of the consenting judge's court in any matter as if the judge
18 pro tempore were the elected judge or appointed judge of the
19 court.

20 **Sec. 2. A judge pro tempore may serve as a judge of a court**
21 **regardless of whether the appointed or elected judge of the court**
22 **is present and available in the building that contains the court.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 81, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 16, after "has" insert ":

- (1) a probate court;**
- (2) a circuit court; or**
- (3)".**

Page 1, line 17, delete "judge" and insert "**judge;**".

Page 1, line 17, beginning with "may," begin a new line blocked left.

Page 1, line 17, after "of" insert "**the probate court judge, the circuit court judge, or**".

Page 2, line 2, delete "superior" and insert "**consenting judge's**".

Page 2, line 3, delete "superior".

Page 2, line 8, after "has" insert ":

- (1) a probate court;**
- (2) a circuit court; or**
- (3)".**

Page 2, line 9, delete "judge" and insert "**judge;**".

Page 2, line 9, beginning with "may," begin a new line blocked left.

Page 2, line 9, after "of" insert "**the probate court judge, the circuit court judge, or**".

Page 2, line 11, delete "superior" and insert "**consenting judge's**".

Page 2, line 12, delete "superior".

Page 2, line 13, delete "superior".

Page 2, line 15, delete "superior".

Page 2, line 16, delete "superior".

and when so amended that said bill do pass.

(Reference is to SB 81 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.

